



UNITED STATES POSTAL INSPECTION SERVICE

OFFICE OF COUNSEL

August 6, 2019

Mr. Don M. Moore
MuckRock News
DEPT MR 74523
411A Highland Ave
Somerville, MA 02144-2516

RE: FOIA No. 2019-FPIS-00289

Dear Mr. Moore:

This is in further reference to your letter dated May 30, 2019, requesting to clarify the public interest need to release the documents associated with your FOIA requests of June 22, 2018 (2018-FPIS-00319), December 14, 2018 (2019-FPIS-00211) and April 3, 2019 (2019-FPIS-00253) for investigation records of 23 individuals that were USPS employees that went "postal". You are claiming the public interest outweighs any privacy concerns and, in fact, "living this information would be beneficial to these individuals and their legal representatives."

We have again balanced the relevant privacy and public interest of this information. The U.S. Department of Justice has defined a FOIA public interest as a disclosure of information that sheds light on an agency's performance of its statutory duties. (See *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989)). A requester's private need for the information is not given any weight in this determination. The Supreme Court has held that the burden is on the requester to show how disclosure would shed light on the operations of an agency. Requesters "must produce evidence that would warrant a belief by a reasonable person that the alleged government impropriety might have occurred." In the absence of a cognizable public interest, the privacy interest will prevail in the balance.

In conclusion, we found that your request for the above records is in your interest not a public interest. You have been informed that you have not proffered a sufficient public interest for obtaining access to these requests.

If you have any questions regarding the handling of your request, please contact the Inspection Service FOIA Requester Service Center at (202) 268-7004 between the hours of 8:30 a.m. – 5 p.m. (Eastern Standard Time) or by email at FOIA@uspis.gov.

If you consider this response to be a denial of your request for records, you have the right to appeal this response by writing to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260-1135, within 90 days of the date of this response letter or via email at FOIAAppeal@usps.gov. Your appeal must be

postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include: (1) A copy of the request, any notification of denial or other action, and any other related correspondence; (2) The FOIA tracking number assigned to the request; (3) A statement of the action, or failure to act, from which the appeal is taken; (4) A statement identifying the specific redactions to responsive records that you are challenging; (5) A statement of the relief sought; and (6) A statement of the reasons why you believe the action or failure to act is erroneous.

Additionally, you may contact the Office of Government Information Services (OGIS) which was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways: write to the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; email to ogis@nara.gov; call (202) 741-5770 (toll-free (877) 684-6448); fax to 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Warner', with a long horizontal flourish extending to the right.

Tammy A. Warner
Information Disclosure Specialist
Postal Inspection Service FOIA Public Liaison